

COMPLAINT FORM INFORMATION

RE 519A (Rev. 7/04)

Thank you for contacting the Department of Real Estate. We hope that we can be of assistance to you with your real estate problem. Please review the following information carefully as it will assist you in filing your complaint.

The Department of Real Estate investigates complaints against real estate brokers and salespersons who are accused of misleading or defrauding consumers. If we can prove a violation of the real estate license laws within our jurisdiction, a formal hearing may be held which could result in discipline of the agent's license.

We also investigate complaints against subdividers who are accused of violating subdivision laws and, if we can prove a violation, further sales may be stopped by the issuance of a Desist and Refrain Order until the violations are corrected.

All complaints must be in writing. Upon receipt, your complaint will be reviewed and you may be requested to provide additional information. If your complaint is assigned for investigation, you will be notified of the name of the investigator as well as the outcome of our inquiry.

Please understand that we cannot act as a court of law, thus we are not able to order that monies be refunded, contracts be cancelled, damages be awarded, etc. If you have this type of concern, you should consult with an attorney since we are not authorized to give legal advice or act as your counsel. Most county bar associations in the state have lawyer referral services which are able to arrange a consultation for a modest fee.

In preparing your complaint, please summarize your concerns in a chronological manner using these guidelines:

- Tell us **what** happened. Start from the beginning and describe the events as they occurred. Be specific as to **what** was said and **who** said it.
- Tell us **who** was present during these conversations or acts.
- Tell us **when** and **where** these conversations/acts took place.

Documentary evidence is especially important! Therefore you should include legible photocopies of all documents relating to your transaction such as listings, offers, deposit receipts, notes and trust deeds, correspondence, copies of the front and back of checks involved, escrow documents, advertising, etc., and attach them to the written complaint. If you are unable to submit photocopies, you may submit the originals which will be copied and returned to you.

Although the Department is anxious to assist you, it should be noted that the burden of proof established for license disciplinary actions exceeds that required to prove a case in civil court proceedings. Prior to filing its disciplinary actions, the Department must have evidence that will clearly and convincingly demonstrate to an Administrative Law Judge that a violation of the Real Estate Law has occurred. This means, for example, that

where the parties offer conflicting testimony and the complainant's version is either not supported by additional evidence or is contradicted by a written document, the Department's burden of proof will not have been met and the Commissioner would not be in a position to proceed with disciplinary action against the licensee.

In addition, the period of time during which the Commissioner can exercise the Department's disciplinary functions is governed by a statute of limitations. Generally, formal disciplinary action must be filed by the Department of Real Estate not later than three years from the occurrence of the alleged grounds for license discipline. However, when the acts or omissions with which the licensee is charged involve fraud, misrepresentation or a false promise, formal charges can also be filed within one year after the date of discovery by the aggrieved party. In no case shall formal pleadings be filed later than ten years from the occurrence of the alleged grounds for disciplinary action.

Disciplinary hearings are presided over by an Administrative Law Judge who is employed by a state agency independent of the Department of Real Estate. The hearings are conducted in a manner similar to court trials without a jury. At the hearing, the Department has the burden of proving the charges contained in the pleadings and usually does so by calling witnesses and presenting documents in evidence. After the hearing is concluded, the Administrative Law Judge prepares a proposed decision which is sent to the Real Estate Commissioner for his/her consideration and final decision.

We at the Department of Real Estate trust that this information has been of assistance and ask that you retain this material for your future reference. If you have Internet access, much more information about the Department and its functions is available on our Web page at www.dre.ca.gov. This includes access to the public license information records of brokers and salespersons, and the actual text of the license and subdivisions laws we administer.

Thank you.

Where to mail or deliver

Mail or hand deliver completed form and attachments to:

Department of Real Estate, Enforcement

- ☐ 2201 Broadway, P.O. Box 187000,
Sacramento, CA 95818-7000
- ☐ 1515 Clay St., Ste. 702, Oakland, CA 94612-1462
- ☐ 2550 Mariposa Mall, Ste. 3070, Fresno, CA 93721-2273
- ☐ 320 W. 4th St., Ste. 350, Los Angeles, CA 90013-1105
- ☐ 1350 Front St., Ste. 3064, San Diego, CA 92101-3687